

Remarks

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. The amendments are clearly supported by the original disclosure, particularly at page 5, lines 25-34; page 6, lines 9-14; page 18, lines 21-29; and original Figures 13 and 14. Claims 2 and 10-20 have been canceled. New claim 28 has been added. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an absorbent article configured for disposition within the vestibule of a female wearer. The absorbent article comprises an absorbent having an upper surface and a configuration that defines at least one fluid intake enhancement means. The fluid intake enhancement means is located on the upper surface and is capable of allowing bodily fluids to be more rapidly absorbed into the absorbent. In particular aspects, the slit can extend through at least about 50 percent of the thickness of the absorbent, and the slit can be configured to provide an increased surface area of the absorbent when the article is folded prior to disposition within the vestibule of the wearer. Other aspects are set forth in the specification and claims.

The article of the invention can allow bodily fluids to be more rapidly absorbed into the absorbent when the article is folded from a previous condition where the upper surface of the article is flat or concave. Additionally, the article can reduce chafing and irritation of the wearer, can provide an improved fit that is less likely to become dislodged from the wearer, and can help reduce the likelihood of undesired leakage.

Claims 1-5, 9-14, 18-23 and 27 have been rejected under 35 U.S.C. § 102 as allegedly being unpatentable over U.S. Patent Number 6,254,584 to Osborn III, et al. (hereinafter Osborn). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As described by Osborn, an interlabial absorbent structure comprises a pair of absorbent panels that are sufficiently flexible such that the panels can, at least partially, conform to the walls of a wearer's interlabial space. The panels are joined by an isthmus which is positioned farthest into a wearer's interlabial space when the interlabial absorbent product is worn. Alternative embodiments of the isthmus are also described which direct bodily fluids that are deposited thereon along the longitudinal length of the interlabial absorbent structure.

Osborn, however, does not disclose or suggest an article comprising an absorbent, where the absorbent has an upper surface, and the upper surface has a slit located thereon, as called for by Applicants' currently presented claims. Neither does Osborn teach a construction where the slit extends through at least about 50 percent of the thickness of the absorbent, or a configuration

where the slit is configured to provide an increased surface area of the absorbent which allows bodily fluids to be more rapidly absorbed into the absorbent when the article is folded prior to disposition within the vestibule of the wearer, as called for by the claimed invention. To the extent that the isthmus taught by Osborn reduces the thickness of Osborn article, the isthmus retains the same exposed surface area when the Osborn article is folded.

As a result, when compared to the configurations called for by Applicants' currently presented claims, the structures taught by Osborn would be less able to provide an increased surface area when the article is folded from a previous condition where the upper surface is flat or concave, and would be less able to rapidly absorb bodily fluids into the absorbent. Additionally, the structures taught by Osborn would be less able to reduce the likelihood of undesired leakage. It is, therefore, readily apparent that Osborn does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

Claims 1-2, 6-11, 15-20 and 24-27 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent Number 6,319,238 to Sartorio et al. (hereinafter Sartorio). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Sartorio describes an absorbent article designed and configured to fit between the labia. The article employs a plurality of stacked, flexible elements. FIG. 2 of Sartorio shows an end view of an alternative embodiment of an article comprising a base member and channels between adjacent flexible elements.

Sartorio, however, does not disclose or suggest an article comprising an absorbent, where the absorbent has an upper surface, and the upper surface has a slit located thereon, as called for by Applicants' currently presented claims. Neither does Sartorio teach a construction where the slit extends through at least about 50 percent of the thickness of the absorbent, as called for by the presented claims. If the channels shown by Sartorio were modified to extend through 50 % of the thickness of the illustrated material, the absorbent would become disassembled into separate pieces. Sartorio also does not teach a configuration where the slit is configured to provide an increased surface area of the absorbent which allows bodily fluids to be more rapidly absorbed into the absorbent when the article is folded prior to disposition within the vestibule of the wearer, as called for by the claimed invention. To the extent that the channels taught by Sartorio extend into the thickness of the Sartorio article, the channels would at best retain the same exposed surface area when the Sartorio article is folded. In all likelihood, some of the channels would close and reduce the amount of exposed surface area.

As a result, when compared to the configurations called for by Applicants' currently presented claims, the structures taught by Sartorio would be less able to provide an increased surface area which allows bodily fluids to be rapidly absorbed into the absorbent when the article is folded from a previous condition where the upper surface of the absorbent is flat or concave. Additionally, the structures taught by Sartorio would be less able to reduce irritation and chafing, and would be less able to reduce the likelihood of undesired leakage. It is, therefore, readily apparent that Sartorio does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

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CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on June 6, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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